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IN ANSWER TO THE EARLE OF STRAFORDS ORATION.

The 13. of Aprill, 1641.

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with your Lordſhips favour,

If the ſubverſion of the fundamentals of Faith be Hereſie, why not as well the ſubverſion of the fundamental Laws, Treaſon? Shall it be Treaſon to deſtroy the Kings Miniſter? and ſhall that be none that deſtroyes his protector? For the Law protects the King, aſwell as the King the Lawes: and if Lawes did not ſubſidiate Princes, Kingdoms would totter as foundationleſſe: nay they are indeed, the very ſubſiſtence of Kings.

Let it be ſuppoſed, though not granted, that no one particular make it Treaſon, may not many and ſucceſſive Acts amount it to that height? One graine of poyſon is not mortall, but many together are. Exportation of Sheepe for once is but a Treſpaſſe, but acted a ſecond time is Felony by Statute. Refuſall of the Oath of Supremacy is at firſt not capitall; but refus'd againe, by ſtatute is made Treaſon. And to my weake underſtanding, my Lords, this cleerly ſhewes the mind of the Law: one ill act of waving the Law, may be but out of raſhneſſe, out of Ignorance; but a perpetuated practice, ſhewes a prepen-

ſed malice, and murther thus acted by the 10. *H.* 7. in *Ireland*, is Treaſon.

Be it there be no ſtatute or Common-Law in expreſſe to make it ſo, yet neceſſary inferences, if they be not certainties, are next them; and if the deputed Judge or Governour hath power in the buſineſſe of the Subject, to make the ſway arbitrary, where Law is poſitive, I know not but hee may doe the ſame in the buſineſſe of the Soveraigne; ſo it may come to pull the Soveraignty from the Prince, and place it on his ſubſtitute, and whether this be Treaſon or no, I leave to your Lordſhips conſideration.

'Tis true, *de non apparentibus, & non exiſtentibus, eadem eſt Ratio*, But my Lords, to make this Treaſon, is not unapparent: a partiall eye will not find it, but he that lookes, *Intuitu ſerio*, may ſee even the Triple Gerion of Treaſon in it, for it cannot be but there is *Læſa Respub. Lex Maieſtas*, the Common-wealth is oppreſſed, the Lawes are ſuppreſt, the Prince is ſcandal'd in act, and ſubjected by conſequence to his Denious determinations: and therefore I ſhall without admiration tell you where this fire hath layen thoſe hundred of yeares he ſpeaketh of, even (my Lords) in the honeſter behaviour of other Miniſters of State,

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State, who have not beene injurious against the Lawes, and there ſtill had it beene buried, if his owne nefarious actions had not un-embred it, and fuel'd it a new.

Nor can your Sentence be before promulgation, ſince even your renowned Progenitors have already declared it Treaſon; though not by a particular Statute in termes: yet by a demonſtrative practice, which if his Lordſhip would not have beene willingly blind, had beene Buoy enough to keepe him from that Anchor of us all, which now muſt either hurt it ſelfe, or elſe ſplit him, the Parliament whoſe Courſes left upon Record cannot be taken for under water workes, ſo that a very eatie honeſty and common morallity (without Revelation) might have ſerv'd as the red Croſſe and the Bill, to have warn'd him from this plague of Legicide.

I ſhall beg as hard as his Lordſhip, that you have regard to your ſelves, for if upon him (by whoſe authority, Peeres ſhall be ſentenc'd to be ſhot, Noble curb'd & coop'd up, Lawes ſubverted, Freehold diſpoſed of out of the Courts, Grants under the Royall Seale extrajudicially diſanul'd and what may be profit of, Monopoliz'd) you ſet not ſome everlaſting Character to deter the like front-

leſſe attempts; I know not but the next Commer may ſubjugate your deareſt freedomes, and as remedileſſe you may then complaine, as thoſe who now doe ſuffer, and have not yet found a redreſſe.

My Lords under favour, your providence may be ſhort, if it reach but to burning of Bookes: a fire of dead leaves will be too weake a fuell for a warning Beacon: A living Author made exemplary will afford a taller flame, and if there were no other Law, that of Retaliation could not but be juſt; an Arbitrary ſentence, were but plowing with his owne Heyfer, Who ſtriving to ſeclude the Lawes, would inferre a kind of legall Tyranny, from a breſt that is a Libertine. And therefore your Lordſhips, I perſwade my ſelfe, will thinke it mightily fit, to caſt this *Ionas* over board, who has occaſioned all theſe ſtormes, indangered all the ſacred ſhip of Government, and by flying the plaine ſpeaking Law, has dar'd by his Imperious Vote, to outgoe even all the bold attemps of Anceſtry.

It is ſome comfort to us, that in 240 years, we have had no uſe of theſe venerable, (though by him reviled for muſty) Records. The Common-wealth has had the fewer enemies. And if they worke now but a merited operation,

tion, I hope it may be 500 yeares ere any of ſo bold a brow, ſhall deſperatly againe adventure to awaken them.

And if his Lordſhip be not made a preſident for puniſhment: I know not but hee may prove a Preſident for example, to animate others of a Vafrous and preſuming braine, to take up the ſame way from a pleaſurable boſome, to doome both Nobles, and the Commons, into a State of deep calamity. And ſo your Lordſhips lenity to him, may by indulgence wound a future multitude. His many crimes which you have heard fully proved, will immortallize your Peerage for a noble Juſtice. The learned Orator has antiently told us, that *Non poteſt cuiquam male de Repub. merenti, juſta eſſe cauſa.* And though it be ſevere, it cannot be unrighteous, for *Hoc ſpectant Leges, Hoc volunt; incolumem eſſe Civium Conjunctionem, quam qui dirimunt, eos morte, exilio, vinculis, damno, coercent.*

Thus every man will know what channell to ſteere in, what roks to avoyd, what he is not to doe, what he is not to ſay for feare of meeting ſuch paines.

Thus men of honeſt wiſedome, will be cautious of keeping in the plaine rode of the Law, and never hazard (by croſſing through untro-

untroden Thickets) either Honour, Iſſue, or fortune, to a loſſe. What his Maieſtie may graciouſly intend to the pledge of his Sainct, will reſt in his moſt Royall heart: Though I hope the want of a Midwife did not make her one, now his marryage within a moneth after her deceaſe did ere make him account her ſo.

And now (my Lords) wee ſhall humbly expect your Honorable Judgements, beſeeching you will be nobly pleaſed to defend thoſe Lawes which have ever defended you, to have reſpect to your owne future liberty, and the ſafety of theſe flouriſhing Kingdomes: Then what ever your ſentence be,

Te Deum laudamus te Cantemus Iehovæ, clangamus Deminum confitemur. Rupibus, ſalutis noſtræ.

FINIS.